REMARKS

Summary of Office Action

Claims 1, 3-6, 8-9, 11-14, 16-17, 19-22, and 24 were pending in the above-identified application.

Claims 1, 3-6, 8-9, 11-14, 16-17, 19-22, and 24 were rejected under 35 U.S.C. § 103(a) as being obvious from Cheng et al. European Patent Application No. 1355496 ("Cheng") in view of Dovi U.S. Patent Application Publication No. 2002/0184451 ("Dovi").

Objection to the Specification[1].

Summary of Applicants' Reply

Claims 1, 3, 8-9, 11, 16-17, 19 and 24 have been amended and new claims 28-36 have been added to more particularly define the claimed invention. Applicants have cancelled claims 5-6, 13-14 and 21-22 without prejudice. The amendments and new claims add no new matter and are fully supported by the originally-filed specification (see, e.g., applicants' specification at Figures 4 and 10 and paragraphs 34 and 45).

Applicants respectfully traverse the rejections.

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[1] In the Office Action Summary, checkbox 9 was marked, indicating an objection to the specification. Since no specific reasons for the objection were provided, applicants assume this is a typographical error and that the checkbox should not have been marked. If there is an objection to the specification, applicants request that the Examiner contact the undersigned.

Applicants' Reply

Claims 1, 3-6, 8-9, 11-14, 16-17, 19-22, and 24
were rejected under 35 U.S.C. § 103(a) as being obvious
from Cheng in view of Dovi. These rejections are
respectfully traversed.

Independent claims 1, 9, and 16-17, as amended,
are directed to a method, networks, and computer program
product for using a network of set-top boxes. At least a
first and second set-top box are connected in a network.
Each set-top box includes a respective storage device which
is made available to the network and is capable of storing
programs. When the first set-top box receives a request to
record a program, the first set-top box queries the network
to determine if the program is stored in the second storage
device. If the program has been stored in the second
storage device, the first set-top box accesses the program
from the second storage device. Otherwise, the first set-
top box uses one of the first and second storage devices in
response to the recording request.

Cheng is directed to a system for allocating
tuner resources in a distributed system (Cheng, column 4,
lines 32-33). Cheng focuses exclusively on the allocation
of tuners, and as acknowledged in the Office Action, Cheng
does not disclose "receiving a command in said first set-
top box which requires at least one of said first and
second storage devices and using said at least one of the
said first and said second storage device in response to
receiving" (Office Action, page 4). The Examiner cites
Dovi as allegedly making up for these deficiencies (Office
Action, page 4).

Dovi discusses a method for distributing storage
of digital data that "monitor[s] applications executed at

an Internet site and at client machines, and optimize[s]
data storage by storing data at either the first or the
second storage devices" (column 2, lines 15-18). Dovi
describes a method in which "program 100 allocates storage
of content (data files, e-application routines) to either
the default storage location (e.g., the client storage 34)
or to one or more "discovered" storage locations..." by
"apply[ing] various criteria or 'filters' to determine
where data should be stored" (Dovi, col 7, line 60 - col 8,
line 17 and Figure 3).

Applicants respectfully submit that Cheng and
Dovi, whether taken alone or in combination, fail to show
or suggest querying a network to determine whether a
program is stored in a second storage device as defined in
applicants' claims 1, 9, and 16-17. Instead, Cheng
discusses the allocation of tuners and does not show or
suggest querying a network to determine whether a program
is stored in a second storage device. Also, the Dovi
system determines a location to store data and does not
show or suggest querying the network for the prior storage
of the data before performing a storing operation. For at
least the foregoing reasons, any combination of Cheng and
Dovi will fail to show or suggest all of the features of
applicants' claims 1, 9, and 16-17.

Accordingly, applicants respectfully submit that
independent claims 1, 9, and 16-17, and their respective
dependent claims, are allowable. Applicants respectfully
request that the 35 U.S.C. § 103(a) rejection of claims 1,
3-4, 8-9, 11-12, 16-17, 19-20 and 24 be withdrawn.

New Claims

Applicants have added new claims 28-36 to more particularly define the claimed invention. These claims, which depend from one of independent claims 1, 9 and 17, are allowable for at least same reasons as their respective independent claims.

Conclusion

In view of the foregoing, applicants respectfully submit that this application, as amended, is in condition for allowance. Reconsideration and prompt allowance are respectfully requested.

Respectfully submitted,

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